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17 **UNITED STATES DISTRICT COURT**
18 **CENTRAL DISTRICT OF CALIFORNIA**

19 *In re: Hyundai and Kia Engine*
20 *Litigation II*

Case No. 8:18-cv-02223-JLS-JDE

Hon. Josephine L. Staton

**APPLICATION FOR LEAVE TO
FILE UNDER SEAL PORTIONS OF
DOCUMENTS SUPPORTING
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

1 Under Local Rule 79-5.2.2, Plaintiffs file this Application for leave to file under
2 seal portions of documents supporting their Motion for Final Approval of Class Action
3 Settlement because they contain, summarize, or reflect material that has been designated
4 as “confidential” under the Stipulated Protective Order entered in this case (ECF No.
5 75). Specifically, the documents that contain material designated as “confidential”
6 include the following:

- 7 1. Declaration of Adam Gonnelli in support of Final Approval of Class
8 Settlement (“Gonnelli Decl.”);
- 9 2. Gonnelli Decl., Ex. 1 (Expert Report and Opinion of Susan K. Thompson
10 and accompanying schedules);
- 11 3. Gonnelli Decl., Ex. 2 (Class Vehicle sales data);
- 12 4. Gonnelli Decl., Ex. 3 (Class Vehicle sales data);
- 13 5. Gonnelli Decl., Ex. 4 (Hyundai Class Vehicle warranty data);
- 14 6. Gonnelli Decl., Ex. 5 (Kia Class Vehicle warranty data);
- 15 7. Gonnelli Decl., Ex. 6 (Hyundai’s August 19, 2022 confidential Responses
16 to Plaintiffs’ First Set of Interrogatories);
- 17 8. Gonnelli Decl., Ex. 7 (Kia’s August 19, 2022 confidential Responses to
18 Plaintiffs’ First Set of Interrogatories);
- 19 9. Gonnelli Decl., Ex. 8 (Declaration of Jake Lebowitz);
- 20 10. Gonnelli Decl., Ex. 10 (Declaration of Elizabeth Fernandez Regarding
21 Knock Sensor Detection Software (KSDS) Installation Rates); and
- 22 11. Gonnelli Decl., Ex. 11 (Declaration of Alex Lee Regarding Knock Sensor
23 Detection Software (KSDS) Installation Rates).

24 In accordance with Local Rule 79-5.2.2(b), Plaintiffs’ counsel conferred with
25 Defendants’ counsel about the confidential material and this Application on June 30,
26 2023. On July 7, 2023, Plaintiffs filed an application to seal this material (ECF Nos.
27 103, 104) concurrently with Plaintiffs’ Motion for Final Approval of Class Action
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1 Settlement (ECF No. 105) because the materials had only recently been obtained from
2 Defendants and filing the application any earlier was impracticable. On July 11, 2023,
3 Plaintiffs learned there was some information in Gonnelli Decl., Ex. 1 (Expert Report
4 and Opinion of Susan K. Thompson and accompanying schedules) and Gonnelli Decl.,
5 Ex. 10 (Declaration of Elizabeth Fernandez Regarding Knock Sensor Detection
6 Software (KSDS) Installation Rates) that should also be sealed but was inadvertently
7 missed. Plaintiffs therefore file this new Application for leave to file under seal and will
8 separately and concurrently file a withdrawal of the original application and supporting
9 declaration.

10 In support of this Application, Plaintiffs attach the Declaration of Steve W.
11 Berman, which establishes good cause as to why the material should be sealed and
12 attests that there is no known opposition to such sealing.

13 **Relief Requested**

14 Plaintiffs respectfully request that the Court grant their Application for leave to
15 file under seal portions of the above-mentioned documents.

16 DATED: July 12, 2023

Respectfully submitted,

18 /s/ Steve W. Berman

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